

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CRIMINAL CASE NO. 3:09cr82**

|                                  |   |                                  |
|----------------------------------|---|----------------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                                  |
|                                  | ) |                                  |
| <b>Plaintiff,</b>                | ) |                                  |
|                                  | ) |                                  |
| <b>v.</b>                        | ) | <b>FINAL ORDER OF FORFEITURE</b> |
|                                  | ) |                                  |
| <b>SURRELL MONTIA DUFF,</b>      | ) |                                  |
|                                  | ) |                                  |
| <b>Defendant.</b>                | ) |                                  |
| <hr/>                            | ) |                                  |

**THIS MATTER** is before the Court on the Government's Motion for Final Order of Forfeiture [Doc. 21].

On August 5, 2009, this Court entered a Preliminary Order of Forfeiture pursuant to 21 U.S.C. § 853 and Fed. R. Crim. P. 32(d)(2), based upon the Defendant's plea of guilty to Counts Two and Four in the Bill of Indictment. Count Two charges the Defendant with possession with intent to distribute a controlled substance, in violation of 18 U.S.C. § 841(a)(1). Count Four charges the Defendant with possession of a firearm by a convicted felon, a violation of 18 U.S.C. §§ 922(g)(1) and 924(e).

From August 6, 2009 through September 4, 2009, the United States



published, via [www.forfeiture.gov](http://www.forfeiture.gov), notice of this forfeiture and of the intent of the government to dispose of the forfeited property in accordance with the law and notice to third parties of their right to petition the Court, within sixty days from August 6, 2009, for a hearing to adjudicate the validity of any alleged legal interest in the property. It appears from the record that no such petitions have been filed and that the time for filing such petitions has passed.

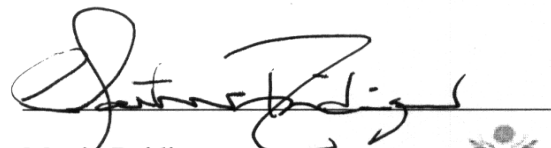
Based on the Plea Agreement and Preliminary Order of Forfeiture, the Court finds, in accordance with Rule 32.2(c)(2), that the Defendant had an interest in the property that is forfeitable under the applicable statute.

**IT IS THEREFORE ORDERED** that:

In accordance with Rule 32.2(c)(2), the Preliminary Order of Forfeiture is confirmed as final. All right, title, and interest in the following property, whether real, personal, or mixed, has therefore been forfeited to the United States for disposition according to law:

**Colt Delta Elite 10mm pistol, serial number: ADE31051 and any related ammunition.**

**IT IS SO ORDERED.**

  
Martin Reidinger  
United States District Judge



Signed: October 6, 2009